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Schiff Hardin & Waite
Patent Department
6600 Sears Tower
Chicago, Illinois 60606

In re Application of:

WEIDLICH

Application No.: 10/049,466

PCT No.: PCT/DE00/03581

Int. Filing Date: 12 October 2000

Priority Date: 19 October 1999

For: METHOD FOR ENGRAVING
PRINTING CYLINDERS

:
: DECISION ON
: PETITION
: UNDER 37 CFR 1.137(b)

This is in response to the petition to revive the above-identified abandoned application for "unintentional" delay under 37 CFR 1.137(b).

BACKGROUND

On 12 October 2000, applicant filed International Application PCT/DE00/03581, which claimed priority to an earlier application 199 50 278.1 filed 19 October 1999 in Germany. The International Application designated the United States of America. No Demand for international preliminary examination was filed. Accordingly, the twenty month period for paying the basic national fee in the United States expired at midnight on 19 June 2001. It is noted that applicant's petition erroneously stated that the twenty month period expired "April 19, 2001."

On 12 February 2002, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite \$890.00 basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the International Application, a translation of the International Application into English, an executed Declaration of the inventor, and the above mentioned petition.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply;
- (2) the petition fee required as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional; and
- (4) a terminal disclaimer with disclaimer fee (only for utility and plant applications filed before 08 June 1995).

Regarding item (1), applicant furnished the U.S. Basic National Fee along with the requisite papers for filing the National stage application.

Regarding item (2), applicant did not submit the \$1,280.00 petition fee as required by 37 CFR 1.17(m). However, applicant's TRANSMITTAL LETTER gives authorization to charge any additional fees which may be required to Deposit Account No. 501519. Accordingly, Applicant's Deposit Account No. 501519 has been charged \$1,280.00 for the petition fee.

Regarding item (3), the statement in the petition that "Applicant's failure to enter the national stage before April 19, 2001 was unintentional and the abandonment of the U.S. national stage application was unintentional" (see applicant's PETITION at page 2, lines 1-4) will be accepted and construed as meaning "that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition" under 37 CFR 1.137(b) "was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

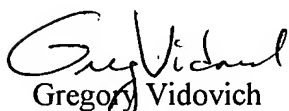
Regarding item (4), because applicant's filing date of 12 October 2000 is after 08 June 1995, the requirement of a terminal disclaimer with disclaimer fee is not applicable in this case.

Accordingly, applicant has satisfied each of the requirements of 37 CFR 1.137(b).

CONCLUSION

For the above reason, the request to revive the application is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) indicating a date of 12 February 2002 under 35 U.S.C. 371.



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